

## **CHAPTER 3. SETTING CIVIL CASES FOR TRIAL AND FOR PRETRIAL AND MANDATORY SETTLEMENT CONFERENCES**

### **3.1 Authority of Court Executive Regarding Settings**

The setting of cases for trial and for pretrial and mandatory settlement conferences is done by the presiding judge who has delegated initial authority in these matters to the court executive officer.

When matters are assigned for trial by the court executive officer they will be assigned to the available department.

This chapter shall not apply to actions brought pursuant to the Economic Litigation Act. (CCP 90 - 100).

Eff. Jan. 1, 1999.

### **3.2 No At Issue Memorandum - Civil Cases (ACT)**

No at issue memorandum will be accepted for filing by the court except in unlawful detainer actions.

Eff. Jan. 1, 1999.

### **3.3 Setting Cases for Trial**

- a. Pursuant to rule repealed July 1, 2002 and 375, California Rules of Court, all cases shall be set for trial without a trial setting conference. Trial dates will be selected by the court executive officer who will consider the nature of the case, the Case Management Statement, the attorneys' availability calendar and the condition of the court's calendar, in an effort to select a trial date which presents no calendar conflict for any attorney who will try the case. The place of trial will be selected by the court after consideration of the convenience of the witnesses and parties as well as the availability of courtrooms. The actual setting of the case for trial will be done by a Notice of the Court.
- b. Unlawful detainer actions shall be set pursuant to Code of Civil Procedure section 1170.5.

Eff. Jan. 1, 1999. As amended, eff. Jan. 1, 2003

### **3.4 Requests for Changes in Trial Dates**

Since trial dates are selected in a manner designed to assure that there will be no calendar conflict for any lawyer who will try the case, and this process involves the application of considerable time, effort and expense by court staff, normally no informal requests for a change in trial date will be accommodated. All requests for a change in trial date must conform to section 3.5.

All motions to vacate a scheduled trial, all motions to reschedule a trial, together with all declarations relating to such motion, shall be served upon each client of the attorney filing such document, in addition to all of the other persons required by law to be served, or have a client signed acknowledgment of the nature and effect of the motion.

Eff. Jan. 1, 1999.

### **3.5 Stipulations Regarding Calendared Matters**

Stipulations to vacate a matter that has been calendared or for a change of a date for a trial or other matter that has been calendared by the court are joint requests by the stipulating parties that a date be changed. The originally calendared date will not automatically be changed. The request will not ordinarily be considered by the court unless the stipulation contains a factual basis for the request and either shows proof of service of the stipulation upon the client of each party to the stipulation, or a client signed acknowledgment of the nature and effect of the stipulation. If the stipulation is that the matter be continued to a specific date, the stipulation must aver that the court executive officer has approved the availability of the proposed date.

Eff. Jan. 1, 1999.

## CHAPTER 3 - SETTING CIVIL CASES FOR TRIAL

### Rules of Court - Chapter 3 Appendix A

#### MENDOCINO COUNTY COURT RULE 3.2 ATTORNEY CALENDAR

Pursuant to court rule 3.2, all counsel shall provide the court those dates the trial attorney(s) are unavailable for the 4th, 5th and 6th months following the month in which the Case Management Statement is filed.

Example:

In Re: Smith v. Smith, Action No. CV12345  
Date at Issue: January 1, 1994

Attorney Unavailable

April 18-20  
May 1-5  
June 9

#### TRIAL ATTORNEY(S) ONLY

Name: \_\_\_\_\_ Address:

\_\_\_\_\_ Telephone:

Eff. Jan. 1, 1999.

(Page deliberately left blank)